

## **1214.302**

### **Subpart 1214.3—Submission of Bids**

#### **1214.302 Bid submission.**

(b) Contracting officers may permit telegraphic bids to be communicated by means of a telephone call from the telegraph office to the designated office provided that procedures and controls have been established by the COCO for receiving and safeguarding these incoming bids.

## **PART 1215—CONTRACTING BY NEGOTIATION**

### **Subpart 1215.2—Solicitation and Receipt of Proposals and Information**

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AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418 (b); 48 CFR 3.1.

SOURCE: 64 FR 2437, Jan. 14, 1999, unless otherwise noted.

### **Subpart 1215.2—Solicitation and Receipt of Proposals and Information**

#### **1215.204 Contract format.**

##### **1215.204-3 Contract clauses.**

The contracting officer shall insert clause (TAR) 48 CFR 1252.215-70, Key Personnel and/or Facilities, in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel and/or facilities.

## **48 CFR Ch. 12 (10-1-00 Edition)**

### **1215.207-70 Handling proposals and information.**

(a) Offerors' proposals and information received in response to a request for information shall be marked as required by TAM 1203.104-5, as applicable.

(b) Proposals may be released outside the Government if it is necessary to receive the most competent technical and/or management evaluation available.

### **Subpart 1215.4—Contract Pricing**

#### **1215.404 Proposal analysis.**

##### **1215.404-470 Payment of profit or fee.**

The contracting officer shall not pay profit or fee on undefinitized contracts or undefinitized contract modifications. Any profit or fee earned shall be paid after the contract or modification is definitized.

### **Subpart 1215.6—Unsolicited Proposals**

#### **1215.602 Policy.**

It is the policy of the Department of Transportation (DOT) to encourage the submission of new and innovative ideas which will support DOT's mission. Through the various Operating Administrations (OA), DOT is responsible for transportation safety improvements and endorsement, international transportation agreements and the continuity of transportation services in the public interest.

##### **1215.603 General.**

DOT will accept for review and consideration, unsolicited proposals from any entity. However, DOT will not pay any costs associated with the preparation of these proposals. Proposals which do not meet the definition and applicable content and marking requirements of (FAR) 48 CFR 15.6 will not be considered under any circumstances and will be returned to the submitter.

## Department of Transportation

1216.203-470

### 1215.604 Agency points of contact.

(a) The DOT does not have a centralized location to receive unsolicited proposals. The effort submitted in the proposal determines which DOT OA should receive and evaluate the proposal.

(b) Proposers should submit proposals to the cognizant OA contracting office for appropriate handling. Specific information concerning each DOT OA and the type of commodities which they normally procure are available on the worldwide web at <http://www.dot.gov>. Proposers are urged to contact these contracting/procurement offices prior to submitting a proposal to ensure that the proposal is being submitted to the appropriate contracting office for action. This action will serve to reduce paperwork and time for the Government and the proposer.

### 1215.606 Agency procedures.

(a) The OA contracting office is designated as the point of contact for receipt of unsolicited proposals. Persons within DOT (e.g., technical personnel) who receive unsolicited proposals shall forward the document to their cognizant contracting office.

(b) Within ten working days after receipt of an unsolicited proposal, the contracting office shall review the proposal and determine whether the proposal meets the content and marking requirements of (FAR) 48 CFR 15.6. If the proposal does not meet these requirements, it shall be returned to the submitter giving the reasons for non-compliance.

### 1215.606-2 Evaluation.

(a) If the proposal is in compliance, the contracting office shall acknowledge receipt of the proposal to the proposer and give the date the proposal evaluation is expected to be completed. The proposal shall be marked as required by (FAR) 48 CFR 15.609 and forwarded to the appropriate technical office for evaluation. The evaluating office shall be given reasonable time to complete the evaluation. However, in no event should an evaluation take more than sixty calendar days after receipt of the proposal except under extenuating circumstances. Contracting offices shall establish a system to en-

sure that this timeframe is met. If the date can not be met, the proposer shall be advised accordingly and be given a revised evaluation completion date.

(b) The evaluating office shall neither reproduce nor disseminate the proposal to other offices without the consent of the contracting office from which the proposal was received for evaluation. If additional information from the proposer is required by the evaluating office, the evaluator shall convey this request to the contracting office in lieu of the proposer. The evaluator shall not communicate directly with the originator of the proposal.

(c) If the evaluator recommends acceptance of the proposal, the cognizant contracting officer shall ensure compliance with all of the requirements of (FAR) 48 CFR 15.607.

## PART 1216—TYPES OF CONTRACTS

### Subpart 1216.2—Fixed-Price Contracts

Sec.

1216.203 Fixed-price contracts with economic price adjustment.

1216.203-4 Contract clauses.

1216.203-470 Solicitation provision.

### Subpart 1216.4—Incentive Contracts

1216.406 Contract clauses.

### Subpart 1216.5—Indefinite-Delivery Contracts

1216.505 Ordering.

### Subpart 1216.6—Time-and-Materials, Labor-Hour, and Letter Contracts

1216.603 Letter contracts.

1216.603-4 Contract clauses.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40277, Aug. 8, 1994, unless otherwise noted.

### Subpart 1216.2—Fixed-Price Contracts

**1216.203 Fixed-price contracts with economic price adjustment.**

**1216.203-4 Contract clauses.**

**1216.203-470 Solicitation provision.**

The contracting officer shall insert the provision at (TAR) 48 CFR 1252.216-